

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
PUBLIC HEARING
MARCH 3, 2003
6:00 P.M.**

(Proposed Text Amendment Z-03-01)

Pursuant to notice duly advertised and posted, the Brunswick County Board of Commissioners conducted a Public Hearing on the above date at 6:00 p.m., Commissioners' Chambers, Public Assembly Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner David R. Sandifer, Chairman
 Commissioner Phil Norris, Vice Chairman
 Commissioner Tom B. Rabon, Sr.

STAFF: Marty K. Lawing, County Manager
 Steve Stone, Assistant County Manager
 Huey Marshall, County Attorney
 Mark Seagle, Assistant County Attorney
 Debby Gore, Clerk to the Board
 Margie Stephenson, Deputy Clerk
 Lithia E. Brooks, Director of Fiscal Operations

ABSENT: Commissioner May Moore
 Commissioner William M. Sue

I. CALL TO ORDER

Chairman Sandifer called the Public Hearing to order at 6:00 p.m., and announced that the purpose of the Public Hearing was to receive public comments concerning the proposed Text Amendment Z-03-01.

Mr. Leslie Bell, Planning Director, explained that Item 1 is a text amendment to Article 2, Section 2.1 (A) (5), Definitions. The proposed amendment is to replicate the Adult & Sexually Oriented Business Definition in Section 4.13 (D) of the Brunswick County Zoning Ordinance.

The Planning Board recommended this amendment for approval on 13-Jan-03.

Proposed Revision
(A)

(5) Adult & Sexually Oriented Businesses

(1) Adult Arcade.

An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic

reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas (as defined hereinafter).

(2) Adult Bookstore.

An establishment that has as substantial portion (over 25% of total retail space) of its stock-in-trade and offer for rent or sale, for any consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

(3) Adult Business.

An adult business shall be defined as any business activity, club or other establishment which permits its employees, members, patrons or guests on its premises to exhibit any specified anatomical areas before any other person or persons.

(4) Adult Motion Picture Theater.

An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion (25%) of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

(5) Adult Theater.

A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical area or by specified sexual activities.

(6) Massage.

Any manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

(7) Massage Business.

Any establishment or business wherein massage is practiced, including establishments commonly known as massage studios or massage parlors. Excluded from this definition are legitimate massage therapists, bodywork therapists, or contact manipulation therapists, working under the direct supervision of a licensed Physician, or who in the regular course of their respective businesses, have been licensed or certified by any governmental subdivision in North Carolina, or licensed or certified by a recognized association or organization on file with the North Carolina Secretary of State, the North Carolina Board of Chiropractic Examiners, North Carolina Board of Medical Examiners, N.C. Board of Occupational Therapy, NC Board of Physical Therapy Examiners, or Board of Podiatry Examiners, or have been certified or licensed by a national organization and similarly registered.

(8) Sexually Oriented Business.

A sexually oriented business shall be defined as any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials

distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Sexually oriented businesses shall include, but are not limited to: adult arcades, adult bookstores, adult motion picture theaters, adult theaters, massage businesses, as defined by this ordinance.

(9) Specified Anatomical Areas.

Specified anatomical areas shall be defined as less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.

(10) Specified Sexual Activities.

Specified sexual activities shall be defined as:

- (a) Human genitals in a state of stimulation or arousal;
- (b) Acts of human masturbation, sexual intercourse, sodomy; or
- (c) Fondling of other erotic genitals, pubic regions, buttocks or female breasts.

(11) Total Retail Space.

Any space within the structure that is used for the direct sale of merchandise to the public and storage areas for those items.

Planning Staff recommends approval.

Planning Board recommends approval (unanimous 7 to 0).

II. PUBLIC COMMENTS

Chairman Sandifer asked if any members of the audience wished to address the Board of the proposed amendment.

There were no comments from the audience.

III. ADJOURNMENT

Commissioner Rabon moved to adjourn the Public Hearing at 6:01 p.m. The vote of approval was unanimous.

David R. Sandifer, Chairman

Deborah (Debby) Gore, Clerk to the Board

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
PUBLIC HEARING
MARCH 3, 2003
6:15 P.M.**

(Proposed Map Amendment Z-03-02)

Pursuant to notice duly advertised and posted, the Brunswick County Board of Commissioners conducted a Public Hearing on the above date at 6:15 p.m., Commissioners' Chambers, Public Assembly Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner David R. Sandifer, Chairman
Commissioner Phil Norris, Vice Chairman
Commissioner Tom B. Rabon, Sr.

STAFF: Marty K. Lawing, County Manager
Steve Stone, Assistant County Manager
Huey Marshall, County Attorney
Mark Seagle, Assistant County Attorney
Debby Gore, Clerk to the Board
Margie Stephenson, Deputy Clerk
Lithia E. Brooks, Director of Fiscal Operations

ABSENT: Commissioner May Moore
Commissioner William M. Sue

I. CALL TO ORDER

Chairman Sandifer called the Public Hearing to order at 6:15 p.m., and announced that the purpose of the Public Hearing was to receive public comments concerning the proposed Map Amendment Z-03-02.

Mr. Leslie Bell, Planning Director, explained the following:

Item 1 (Z-356 - Elroy Stanley, Jr.) is a map amendment initiated by the property owner. This change from R-7500 (Low Density Residential) to RU (Rural) would allow for Class "C" Manufactured Homes for a portion of Tax Parcel 19700010 beginning approximately 2,370 feet southwest of the intersection of McMilly Road N.W. (SR 1320) and Tryon Road N.W. (SR 1360) and then approximately 200 feet east. Continuing approximately 550 feet east, approximately 220 feet northeast, approximately 925 feet southeast, approximately 1,180 feet west and approximately 750 feet north back to the point of origin. The portion of the parcel to be rezoned contains approximately 13.25 acres. The parcel totals 16.91 acres.

Planning Staff recommends approval.

Planning Board recommends approval (unanimous 7 to 0).

II. PUBLIC COMMENTS

Chairman Sandifer asked if any members of the audience wished to address the Board of the proposed amendment.

1. Mr. Elroy Stanley, Jr. addressed the Board. Mr. Stanley said he spoke with some of his neighbors and they are in favor of the rezoning request. Mr. Stanley said he had an older mobile home removed from his property by way of the Brunswick County Voluntary Clean-up Program and wants to replace it.

Mr. Stanley said the subject property is split-zoned and the current zoning does not allow for Class "C" Manufactured Homes.

III. ADJOURNMENT

Commissioner Rabon moved to adjourn the Public Hearing at 6:17 p.m. The vote of approval was unanimous.

David R. Sandifer, Chairman

Deborah (Debby) Gore, Clerk to the Board

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
MARCH 3, 2003
6:30 P.M.**

The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:30 p.m., Commissioners' Chambers, Public Assembly Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner David Sandifer, Chairman
Commissioner Phil Norris, Vice-Chairman
Commissioner Tom B. Rabon, Sr.

STAFF: Marty K. Lawing, County Manager
Steve Stone, Assistant County Manager
Huey Marshall, County Attorney
Mark Seagle, Assistant County Attorney
Debby Gore, Clerk to the Board
Margie Stephenson, Deputy Clerk
Lithia E. Brooks, Fiscal Operations Director

ABSENT: Commissioner May Moore
Commissioner William M. Sue

I. CALL TO ORDER

Chairman Sandifer called the meeting to order at 6:30 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Vice-Chairman Norris gave the Invocation and led the Pledge of Allegiance.

III. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Sandifer asked if there were any adjustments to the agenda. There were no adjustments made.

Vice-Chairman Norris moved to approve the agenda. The vote of approval was unanimous.

IV. PUBLIC COMMENTS

Chairman Sandifer asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda. There were no comments from the audience.

V. APPROVAL OF CONSENT AGENDA

Commissioner Rabon moved to approve the Consent Agenda. The vote of approval was unanimous.

The following items were approved:

A. Minutes

1. Regular Meeting Minutes of February 17, 2003

B. Finance (Exhibit Book 34, Attachment #1)

We in receipt of the following FY 2002-2003 budget amendment and budget amendment transfer requests:

- 1) Cooperative Extension - Various programs

\$18,263 Increase	Various Fees	\$15,763
	Grant Funds	2,500

This budget amendment represents a request from the Cooperative Extension director to appropriate revenues in the amount of \$15,763 that have been collected over budget in various Cooperative Extension programs it administers, and to amend for a grant that has been awarded from International Paper for a "talking tree trail". The programs that are involved are Cooperative Extension (\$5,068 for supplies), Master Gardner's Program (\$3,820 for supplies, and \$250 for travel), Education (\$8,500 for supplies) and Volunteer Agricultural Board (\$625 for supplies). County funds in the amount of \$15,763 are involved.

- 2) Parks & Recreation

\$2,024 Increase	Contributions
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This amendment represent a request from the Parks & Recreation director to amend the Parks & Recreation budget for contributions received for the Concerts on the Coast program (\$1,000) and for the Special Olympics program (\$1,024). These contributed revenues will be used specifically in these aforementioned programs. County funds are not involved.

- 3) Health Department - Various programs

From	Family Health Personnel	\$22,056
To	General Health Services	9,943
	Maternal Health	6,175
	Family Planning	3,391
	Child Services Coordination	2,547

This budget transfer amendment represents a request from the Health director to cover the cost of a contract employee that filled an Accounting Clerk position that was vacant for several months due to the illness of the employee that occupied it, and the cost of incurring more contracted services than anticipated due to the difficulty of filling an interpreter position in the Family Health Personnel budget. All of this transfer will go to contracted services line item for the departments listed above. Additional County funds are not involved.

4) Health Department - Child Health

\$2,833 Increase

March of Dimes grant \$2,250

Fees \$583

This amendment represents another request from the Health director to appropriate a grant from the March of Dimes in the amount of \$2,250 as well as an additional \$583 of revenue that has been received over budget. We understand that these revenues will be used to promote efforts to reduce the child fatality rate in the County. County funds in the amount of \$583 are involved.

5) Health Department - Environmental Health Food & Lodging

\$10,789 Increase

State Revenue

This amendment represents another request from the Health director to amend for revenue received in the amount of \$11,286 from the State for the food and lodging program as a result of it achieving a 100% compliance rate for the County's inspections. Also included in this amendment request is a reduction of State revenue in the amount of \$497 due to the State not reimbursing the County for summer food inspections of lunchrooms this year. Therefore, the net amendment amount is a \$10,789 increase in State revenue. County funds are not involved.

6) Various School Capital Project Ordinances

\$520,499 Increase

Sales Tax Refunds

This amendment represents the amount of sales tax refunds we have received regarding the following School capital projects:

Jesse Mae Monroe School	\$157,109
NBHS	133,343
SBHS	116,374
WBHS	113,673

In that we pay the sales tax directly from the capital project during construction, it is required by governmental accounting standards that we amend the amount of the sales tax refund back to the appropriate capital project after it is received. County funds are not involved.

7) Utility Fund

From	Utility - Field Operations	\$25,546
To	Utility - Customer Services	\$25,546

This budget amendment transfer represents a request from the Customer Services division of the Utility department recently moved under my supervision to replace two trucks used by the meter readers. We have temporary meter readers currently employed, and the vehicles that have we have been able to get out of the vehicle pool for these meter readers are not reliable and have had to be towed on several occasions. The two trucks that we are requesting to be replaced will be moved to the temporary meter readers to provide a more reliable source of transportation. We were notified from the Field Operations division that this unencumbered balance became available after it procured its budgeted vehicles. Additional County funds are not involved.

We request the Board's concurrence to amend the FY 2002-2003 Budget Ordinance, the Jesse Mae Monroe School, NBHS, SBHS and WBHS Capital Project Ordinances accordingly.

C. Road Petition (Exhibit Book 34, Attachments #2 & #3)

1. Request approval of SR 2 Resolution for a portion of Executive Park Blvd.
2. Request approval of SR-2 Resolution for 2 unnamed roads in Shallotte Business Park.

D. Solid Waste (Exhibit Book 34, Attachment #4)

1. Request approval to waive tipping fees for Yaupon Beach Fire Department at the County Landfill.

E. Resolution (Exhibit Book 34, Attachment #5)

Request approval of Resolution Supporting Scheduled Openings of the Cape Fear Memorial Bridge.

**RESOLUTION IN SUPPORT OF SCHEDULING
THE OPENINGS OF THE CAPE FEAR MEMORIAL BRIDGE**

Whereas, our lives have become full of appointments for everything from our hair to the cobbler, and just about everything in between, and

Whereas, many Brunswick citizens, especially those that live in the northern sections of the County, frequent businesses and professionals located in our sister County, New Hanover, which contributes to the area economy, and

Whereas, there is but one primary route that offers a travel path into the heart of the City of Wilmington, and that travel path utilizes the highway designated as US 17,74 & 76, which crosses by use of a vertical lift span bridge the deep water path that sea-faring vessels utilize in docking in the City of Wilmington, which bridge does not appear to operate on any schedule of pre-arranged times, and

Whereas, once that vertical span lifts, which it is apt to do at anytime without any warning, all the travelers left below are victims of what the poet McGinley best described when he wrote, "Time is the thief that you cannot banish."

Now therefore, the Brunswick County Commissioners are hereby resolved to assist and promote the North Carolina Department of Transportation to prepare and implement a schedule of bridge openings that will consider and accommodate time of day needs, the flow of traffic, the tidal changes, and other necessary and important factors

This the third day of March, 2003.

s/David R. Sandifer, Chairman
Brunswick County Commissioners

Attest:

s/Deborah S. (Debby) Gore, Clerk to the Board, CMC

VI. PRESENTATION

1. **Town Creek River** (William Hickman)
Mr. Hickman was not present.

VII. ADMINISTRATIVE REPORT

1. **Planning – Text Amendment Z-03-01 – (Leslie Bell)**

Staff recommends that the Board of Commissioners consider approving Second Reading and adoption of Text Amendment Z-03-01.

Vice-Chairman Norris moved to approve Second Reading and adoption of Text Amendment Z-3-01. The vote of approval was unanimous. **(Exhibit Book 34, Attachment #6)**

2. Planning – Map Amendment Z-03-02 – (Leslie Bell)

Staff recommends that the Board of Commissioners consider denying Second Reading of Map Amendment Z-03-02.

Commissioner Rabon moved to table the Map Amendment until the March 17, 2003 Regular Meeting. The vote of approval was unanimous. **(Exhibit Book 34, Attachment #7)**

3. Planning – Map Amendment Z-03-03 – (Leslie Bell)

Staff recommends that the Board of Commissioners consider approving First Reading of Map Amendment Z-03-03 and set a Public Hearing for April 7, 2003 at 6:00 p.m.

Vice-Chairman Norris moved to approve First Reading of Map Amendment Z-03-03 and set a Public Hearing for April 7, 2003 at 6:00 p.m. The vote of approval was unanimous. **(Exhibit Book 34, Attachment #8)**

4. Public Housing – Agency Annual Plan – (Vonnie Fulwood)

Staff recommends that the Board of Commissioners consider setting a Public Hearing for April 7, 2003 at 6:15 p.m. to receive comments on the Brunswick County Public Housing Agency Annual Plan.

Vice-Chairman Norris moved to set a Public Hearing for April 7, 2003 at 6:15 p.m. to receive comments on the Brunswick County Public Housing Agency Annual Plan. The vote of approval was unanimous. **(Exhibit Book 34, Attachment #9)**

5. Emergency Services – Fiber and Antenna Collocation agreements – (Randy Thompson) ..

Staff recommends that the Board of Commissioners consider approving the BEMC Fiber and Antenna Co-location agreement and the ATMC Dark Fiber and Co-location Equipment Area agreement as presented.

Randy Thompson explained that these agreements are for ten years and no funds are involved.

Commissioner Rabon moved to approve the Fiber and Antenna Collocation Agreements with Atlantic Telephone Membership Corporation and Brunswick Electric Membership Corporation. The vote of approval was unanimous. **(Exhibit Book 34, Attachment #10)**

VIII. COUNTY ATTORNEY'S REPORT

1. Deed of Dedication for Double Run Farms

The County Attorney explained the Deed of Dedication.

Vice-Chairman Norris moved to approve the Double Run Farms Deed of Dedication. The vote of approval was unanimous. **(Exhibit Book 34, Attachment #11)**

2. Power of Attorney and Declaration of Representative

The County Attorney explained the authorization of Municipal Tax Consulting and Management of Beaufort, South Carolina.

Vice-Chairman Norris moved to authorize Municipal Tax Consulting and Management to receive reports of Sales and Use Tax Refunds to analyze if the refunds are appropriate for a period of four months beginning March 3 2003. The vote of approval was unanimous. **(Exhibit Book 34, Attachment #12)**

3. Closed Session

6:45 p.m. Vice-Chairman Norris moved to enter Closed Session pursuant to G.S. 143-318.11 (a) (3) consult with Attorney regarding a specific matter, Coastal Communities vs Brunswick County. The vote of approval was unanimous.

Chairman Sandifer called a 10-minute break.

7:38 p.m. Reconvened

Chairman Sandifer called the Open Session back to order and announced that no action was taken in Closed Session.

IX. OTHER BUSINESS/INFORMAL DISCUSSION

There was no other business to discuss.

X. ADJOURNMENT

Commissioner Rabon moved to adjourn the Regular Meeting at 7:39 p.m. The vote of approval was unanimous.

David R. Sandifer, Chairman

Deborah (Debby) Gore, Clerk to the Board